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**TECHNICAL STAFF REPORT**  
**“WEAVERS COURT”**

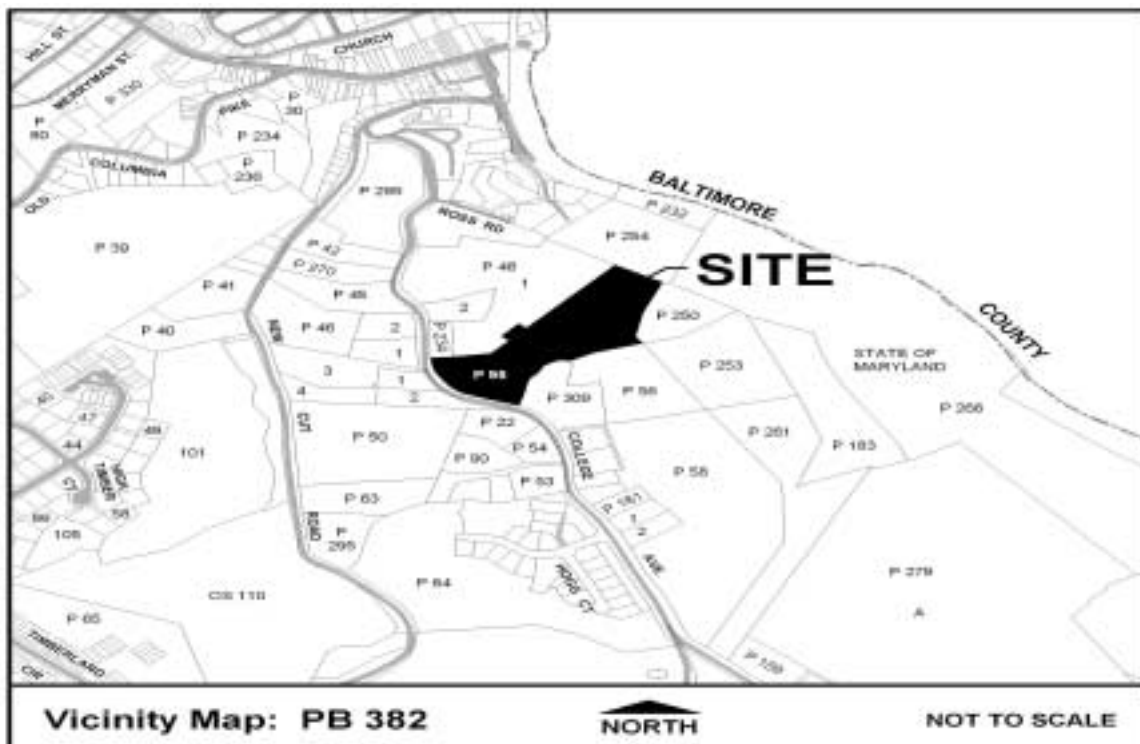
**Planning Board Hearing of February 28, 2008 at 7:00 p.m.**

**Case No./Petitioner:** PB Case No. 382, Ronald and Gail Spahn

**Project Name:** Weavers Court, SP-06-010

**Request:** The request is for approval of a Preliminary Equivalent Sketch Plan (PES) for the construction of 10 single-family detached dwelling units (SFDs), 4 open space lots and other site improvements on 6.759 acres of land in accordance with Section 107E. of the Howard County Zoning Regulations which requires Planning Board approval for Preliminary Sketch Plans for proposed developments in the R-ED (Residential: Environmental Development) zoning district.

**Location:** The single family dwellings, open space lots and public right-of-way would be located on the east side of College Avenue on Tax Map 25, Grid 14, Parcel 95 in the Second Election District of Howard County, Maryland. Per the Historic Sites Map and the Historic District Commission (HDC), the subject property is **not** located within the Ellicott City Historic District.



Vicinal Properties:

The subject property is identified as Parcel 95, situated on the east side of College Avenue. Residential Parcels 234 (owned by Raymond & Patricia Sadler) and 48 (Cotter Property-Lot 1) (owned by Christopher & Janet Cotter) adjoin Parcel 95 to the **northwest** and Parcel 254 (owned by Richard & Nancy Plenge) adjoins Parcel 95 to the **north**. Adjoining the subject property to the **east** are Parcels 250 & 253 (owned by the State of Maryland-Department of Forests and Parks), and Parcels 309 and 56 (owned by Willi Ann (Anne) McPherson). College Avenue borders the property to the **south**. All adjoining properties are zoned R-ED.

Legal Notices:

The subject property was properly posted with one (1) official Planning Board notice, at the entrance to the proposed subdivision along College Avenue. Certification that the legal advertisements appeared in the Baltimore Sun on January 9, 2008 and in the Howard County Times on January 10, 2008 were placed into the file for the record.

Regulatory  
Compliance:

This project is subject to compliance with the amended Fifth Edition of the Howard County Subdivision and Land Development Regulations, the Howard County Zoning Regulations, the Comprehensive Zoning Plan (2/2/04), the Comp Lite Zoning Regulation Amendments (effective 7/28/06), the Adequate Public Facilities Ordinance (APFO) and the Howard County Forest Conservation and Landscape Manuals.

Site History:

- **WP-06-088:** On May 2, 2006 the Planning Director **denied** a request to waive **Section 16.116 (a)(1)** to permit grading, removal of vegetative cover and trees, paving and new structures within 25' of a wetland, **Section 16.116 (a)(2)(i)** to permit grading and removal of vegetative cover and trees within 50' of an intermittent streambank and **Section 16.116(a)(2)(ii)** to permit grading and removal of vegetative cover and trees within 75 feet of a perennial streambank for use I streams as classified by MDE in residential zoning districts and residential and open space land uses.
- **WP-07-037:** Based on re-design of the project, on December 7, 2006 the Planning Director **approved (with conditions)** a request to waive **Section 16.116 (a)(2)(i)** to permit grading and removal of vegetative cover and trees within 50' of an intermittent streambank and a waiver to **Section 16.116(a)(2)(ii)** to permit grading and removal of vegetative cover and trees within 75 feet of a perennial streambank for use I streams as classified by MDE in residential zoning districts and residential and open space land uses.

With the previous waiver application WP-06-088, denial was based, in part, on the fact that the applicant or consultant had not adequately pursued alternative subdivision design (including the reduction in the number of lots and/or alternative housing types) or alternative and less intrusive stormwater management design. The applicant revised the plan, dropping 1 residential lot, revising lot layout and redesigning the stormwater management facility so that impacts to wetland buffers were no longer necessary. According to the consultant, the area of disturbance for the stormwater management pond was reduced by approximately 50% from the previous waiver submission. Please note that per the Development Engineering Division, even if the pond could be moved to a more central location, a feature would still be required in the general area along College Avenue. In addition, the use of a common driveway (versus the proposed right-of-way) would not negate the need for a stormwater management facility.

The pond has been redesigned and relocated to reduce impacts to the stream buffers. However some disturbance to those buffers is still necessary due to the grading of the proposed outfall in order to reduce the possibility of erosion. Based on topography and concerns over “washout”, the stormwater management facility must be located in this area. A 7-foot high retaining wall will be built to further limit the disturbance of the stream buffers.

The approval conditions associated with WP-07-037 are as follows:

1. There shall be no impact to any on-site or off-site wetland or wetland buffer.
2. There shall be no impacts to steep slopes except for necessary disturbance to install the storm drain line that will extend from the road to the pond and for the necessary disturbance to construct the entrance road.
3. The retaining wall shall be used to minimize disturbance and forest and tree removal shall be kept to a minimum.
4. Super Silt fencing shall be installed along the entire LOD for the stormwater management facility prior to the commencement of any construction or grading activity and shall remain in place for the duration of construction.
5. Significant landscaping shall be installed between College Avenue and the proposed stormwater management facility as shown on the exhibit submitted for WP-07-037.

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- A Design Manual Waiver (Volume III) request to Section 2.3.A.C. to allow the use of an alternative minimum horizontal curve length and radius was denied on June 27, 2007. The project was redesigned/revised to eliminate the need for this waiver.
- A Design Manual Waiver (Volume III) request to Section 2.5.9 to allow the use of stopping sight distance in place of intersection sight distance at the intersection of Weavers Court and College Avenue was approved on April 13, 2007.

#### General Comments:

**Overall site conditions and pending proposal:** The “bowl-shaped” property is zoned R-ED and consists of 6.759± acres of land, located on College Avenue, which is designated as a scenic road. It is currently improved with five dwellings (located at the bottom of the “bowl”) of an historic nature known as the “Hazlehurst Cottages”. These structures are proposed to be removed and the Historic District Commission has approved their demolition. Of the 6.759 acres, 1.242± acres are encumbered by steep slopes greater than 25%. The site also contains a perennial stream (Use I), intermittent stream, associated stream buffers, wetlands and associated wetland buffers within the western portion of the property. Of the existing 4.4 acres of forest, 2.4 acres are proposed to be cleared or maintained outside of a Forest Conservation Easement (FCE).

The pending preliminary equivalent sketch plan, SP-06-010 (initially submitted on November 22, 2005) currently proposes a total of 10 residential lots ranging in size from 6,499 square feet to 10,135 square feet. All would gain access onto a planned public road (“Weavers Court”). Four open space lots are also proposed ranging in size from 2,178 square feet (non-credited) to 1.84 acres. By letter dated October 2, 2007, the Preliminary Equivalent Sketch

Plan was considered “technically complete” subject to Planning Board approval and minor comments issued by the Development Engineering Division and the Division of Land Development.

**Historic District Commission (HDC):** A meeting of the Historic District Commission was held on January 5, 2006 to discuss the “Hazelhurst Cottages” located at 3961 College Avenue and designated as HO-855 on the Howard County Historic Sites Map. The cottage buildings (4 “contributing” (built in the late 1800s) and one “non-contributing” building) have been documented by the Howard County Historic Sites Surveyor and have been determined to be in poor condition. The HDC had no objection to their demolition.

**Scenic Roads:** College Avenue is considered a scenic road and the project therefore must meet the requirements of Section 16.125 (Protection of Scenic Roads) of the Howard County Subdivision and Land Development Regulations. The consultant (Fisher, Collins and Carter, Inc.) has offered the following information as evidence that the requirements of this Section have been met. “The recommended cluster design has been used and all efforts have been made to minimize tree removal and preserve existing forest. The grading along College Avenue has been minimized to permit only that grading necessary to support safety issues for access and additional landscaping measures have been added to make the swm pond unobtrusive from College Avenue. The proposed home sites will not back up to College Avenue.”

**Water and Sewer:** This project will be served by public water and sewer service.

**APFO Roads Test:** This project passed the APFO Roads test requirements by submitting an Adequate Public Roads Facility study with the processing of this Preliminary Equivalent Sketch plan. This study was determined to be acceptable by the County (Development Engineering Division).

**Noise Impact Analysis:** A Noise Impact Analysis was not required for this project.

**Stormwater Management:** Recharge volume will be provided through the use of a stone reservoir. Water quality and channel protection volume will be provided by a pocket pond located adjacent to College Avenue to the west of the entrance to the subdivision. Level spreaders located on individual residential lots will further contribute to water quality protection. Overbank flood protection volume and extreme flood volume are not required for this site. The stormwater management facility on Open Space Lot 11 will be privately owned and maintained by the Homeowner’s Association. Access to the pond will be from an existing easement across the adjacent Cotter Property that will be improved to current width standards of 12 feet.

**Forest Conservation:** There are 4.4 acres of existing forest on site, located primarily in the area of on-site steep slopes. Of the 4.4 acres of forest, 2.4 acres are proposed to be cleared or maintained outside of a FCE. The remaining 2 acres are proposed to be maintained within four separate easement areas ranging in size from 0.24 acres to 0.83 acres. This on-site retention will address the requirements of the Forest Conservation Act and additional plantings/easements are not required.

**Environmental Concerns:** The gross site area is 6.759 acres, of which 1.242 acres (or approximately 18% of the total site acreage) are encumbered by steep slopes ( slopes that are 25% or greater). These slopes would be contained within the proposed forest conservation easements. The site also contains a perennial stream (Use I), intermittent stream, associated stream buffers, wetlands and associated wetland buffers within the western portion of the property. A waiver was granted by the Planning Director to **Section**

**16.116 (a)(2)(i)** to permit grading and removal of vegetative cover and trees within 50' of an intermittent streambank and a waiver to **Section 16.116(a)(2)(ii)** to permit grading and removal of vegetative cover and trees within 75 feet of a perennial streambank for use I streams. As previously stated, of the existing 4.4 acres of forest, 2.4 acres are proposed to be cleared or maintained outside of a FCE. All forest conservation obligations are proposed to be met on-site.

**Landscaping:** This project will meet the requirements of the Howard County Landscape Manual through both plantings and credit for existing vegetation. Additional landscaping will be provided between College Avenue and the stormwater management pond. This landscaping is required as part of the conditions set with the approval of waiver WP-07-037.

**Setback Requirements:**

The following setbacks are required per the R-ED zoning district:

- 20' setback for structures from an internal street right-of-way.
- 20' front yard setback for structures from a property line.
- 7.5' side yard setback for structures from a property line.
- 25' rear yard setback for structures from a property line.
- 30' for structures in single-family detached developments from project boundaries.

This project currently respects all required setbacks.

**Planning Board Evaluation Criteria:**

Section 107.E.6. of the Howard County Zoning Regulations outlines the following criteria to be used for evaluating a Preliminary Equivalent Sketch Plan:

1. "The proposed lay-out of lots and open space effectively protects environmental and historic resources."

The proposed layout of the subdivision has taken into account the environmental features on this parcel of land. The wooded steep slope areas will be protected within forest retention easements located within the proposed Open Space lots. To facilitate the protection of forest and to fulfill the objectives of the R-ED zoning district, the sizes of the residential lots have been minimized and open space has been provided in excess of the required 50% obligation (3.38 acres required, 3.75 acres provided). Per the HDC, there are no historic resources on site which are of a quality to merit retention.

2. "Buildings, parking areas, roads, storm water management facilities and other site features are located to take advantage of existing topography and to limit the extent of clearing and grading."

The proposed public road and house site locations have been designed to minimize grading impacts. This has resulted in meeting the required forest conservation obligation by means of on-site forest retention located on Open Space lots. Two acres of forest will be placed within four retention easements. The stormwater management facility and utilities have also been designed to minimize disturbance to the existing environmental features located on-site. The stormwater management pond has been located on Open Space Lot 11, near the topographic low point of the site. The dimensions of this pond and its associated limit of disturbance have been minimized through the use of retaining walls.

3. "Setbacks, landscaped buffers, or other methods are proposed to buffer the development from existing neighborhoods or roads, especially from designated scenic roads or historic districts."

Areas of existing forest and proposed landscaping will buffer this development from adjacent neighborhoods and roadways. Enhanced landscaping, required in conjunction with the approval of WP-07-037, will be installed

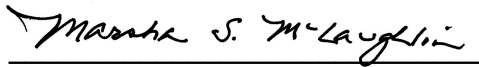
between scenic College Avenue and the proposed stormwater management facility on Open Space Lot 11. None of the proposed residential lots will be located along the scenic road. This site is not located within the Ellicott City Historic District.

SRC Action:

The Subdivision Review Committee (SRC) determined this plan may be approved, subject to the compliance with comments from the Development Engineering Division and the Division of Land Development. **The Preliminary Equivalent Sketch Plan file is available for public review at the Public Service Counter of the Department of Planning and Zoning, Monday through Friday, 8:00 a.m. to 5:00 p.m.**

Recommendation:

The Department of Planning and Zoning recommends that the Planning Board approve this Preliminary Equivalent Sketch Plan subject to compliance with the SRC agency comments issued for SP-06-010.



Marsha S. McLaughlin, Director  
Department of Planning and Zoning

01/28/08

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Date